

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

TAMARA ROWLEY MULDER,
Petitioner/Plaintiff,

vs.

ROBERT MATTHEW MULDER
Respondent/Defendant.

MEMORANDUM DECISION AND
ORDER DISMISSING CASE

Case No. 2:05-CV-919 TS

Petitioner filed a Petition for Divorce in state court in this matter. Respondent was served with that Petition on September 13, 2005. Respondent filed a Notice of Removal with this Court on November 4, 2005. For the reasons discussed below, this Court does not have jurisdiction over this case and it will be dismissed.

This case must be dismissed for the simple reason that Petitioner is seeking a divorce decree and this court lacks jurisdiction to issue such a decree.¹ Further, Respondent's removal, even if proper, was untimely. Notice of removal must be filed "within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting for

¹See *Ankenbrandt v. Richards*, 504 U.S. 689, 703 (1992); *Vaughan v. Smithson*, 883 F.2d 63, 64 (10th Cir. 1989).

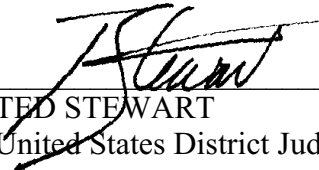
the claim for which relief upon which such action or proceeding is based”² As noted above, Respondent was served on September 13, 2005, but his Notice of Removal was not filed until November 4, 2005. As a result, Respondent’s Notice of Removal was untimely.

It is therefore

ORDERED that this case is DISMISSED.

DATED January 4, 2006.

BY THE COURT:



TED STEWART
United States District Judge

²28 U.S.C. § 1446(b).